



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,487	09/01/2006	Mathias Buchel	2004P01388	1911

24131 7590 10/18/2007
LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

BARBEE, MANUEL L

ART UNIT	PAPER NUMBER
----------	--------------

2857

MAIL DATE	DELIVERY MODE
-----------	---------------

10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,487	BUCHEL ET AL.	
	Examiner	Art Unit	
	Manuel L. Barbee	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 May 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 8-11 and 14 is/are rejected.
 7) Claim(s) 12 and 13 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 01 September 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/1/06; 5/17/07</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,476,516 to Reich (Reich).

As per claim 8:

With regard to detecting a force acting on a seating area and determining an estimated value of a variable that is characteristic of the mass resting on the seating area in dependence on the force action on the seating area, Reich teaches measuring the estimated weight of a seat occupant (col. 1, line 53 - col. 2, line 6. With regard to defining the estimated value as being reliable or unreliable based on an oscillation behavior of the measurement signal, Reich teaches locking the occupant into a weight class when a predetermined number of samples are achieved and unlocking the weight class a predetermined number of inconsistent samples are observed (col. 2, lines 7-14).

As per claim 9:

With regard to determining the estimated value to be reliable or unreliable depending on a measure of an amplitude of the oscillations of the force sensor,

Reich teaches determining whether to lock an occupant into a weight class based on the weight measurements (col. 2, lines 7-29).

As per claim 10:

With regard to depending on a time duration of a predetermined change in the measure of the amplitude, Reich teaches measuring weight values over a period of time to determine whether to lock or unlock an occupant in a weight class (col. 2, lines 7-29; col. 3, lines 47-49).

As per claim 14:

With regard to detecting a force acting on a seating area and determining an estimated value of a variable that is characteristic of the mass resting on the seating area in dependence on the force action on the seating area, Reich teaches measuring the estimated weight of a seat occupant (col. 1, line 53 - col. 2, line 6. With regard to defining the estimated value as being reliable or unreliable based on an oscillation behavior of the measurement signal, Reich teaches locking the occupant into a weight class when a predetermined number of samples are achieved and unlocking the weight class a predetermined number of inconsistent samples are observed (col. 2, lines 7-14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reich in view of Japanese patent publication JP 404005538 A to Gan et al. (Gan).

As per claim 11:

Reich teaches all the limitations of claim 8 upon which claim 11 depends. Reich does not teach subjecting the measurement signal to a Walsh transformation and determining reliability based on the sequential content of the Walsh-transformed measurement signal. Gan teaches Walsh transforming a signal to detect a change in state (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the weight measurement, as taught by Reich, to include a Walsh transform of the measured signal, as taught by Gan, because then state changes would have been speedily and accurately detected (Gan, Abstract).

Allowable Subject Matter

5. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Breed et al. (US Patent No. 6,442,504) teach measuring the weight of an object in a seat.

Art Unit: 2857

Kennedy et al. (US Patent No. 7,034,670) teach occupancy classification in a vehicle seat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel L. Barbee whose telephone number is 571-272-2212. The examiner can normally be reached on Monday-Friday from 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Manuel L. Barbee
Examiner
Art Unit 2857

mlb
October 13, 2007